

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 144 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SABBIR @ LALU MAHMAD HUSAIN SHAIKH

Versus

STATE OF GUJARAT

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Appearance:

THROUGH JAIL for Petitioner  
MR KMAL MEHTA ADD.PUBLIC PROSECUTOR  
for Respondent No. 1

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 19/03/98

ORAL JUDGEMENT

Rule. Mr.Kamal Mehta, learned APP waives the service of Rule for and on behalf of the State of Gujarat. The petitioner who is undergoing the sentence after being convicted of the offence of murder, prays for being released on Parole on the ground that his mother is seriously ill. So far as sickness of the mother is concerned, the otherside has no reason to doubt about the

same but the Police apprehends that if the petitioner is released on parole, he may disturb the law and order, because of the bygone election. It may be mentioned that when Police reported to APP, the elections were not over. By now the same is over and so the apprehension of the Police has lost its vigours and value. In order to provide best of the medical treatment, courage and warmth, and for timely management, the petitioner is required to be released on Parole, for a period of 10 (TEN) days from the date of his release, on certain conditions.

2. In the result, the application is allowed. The petitioner is ordered to be released on Parole upto 30th March, 1998 on his executing a bond of Rs.1,000/(Rupees: One thousand only) with one surety of like amount before the Jail authority or depositing the said amount & executing the personal bond before the Jail authority; and also on conditions that he shall give detailed address to the Jailor while leaving the jail for his contact, reside within the local limits of Baroda Municipal Corporation; mark his presence before the Baroda City Police Station at any time between 9-00 a.m. and 2-00 p.m. on 22nd, 25th, and 28th March, 1998 and shall surrender back to the custody latest by 16-00 hrs on 30th March, 1998.

3. Mr.Mehta, the learned APP tenders the copies of the letter, alongwith three accompaniments, he received from the Deputy Commissioner of Police. The same be taken on record.

Rule accordingly made absolute.

Date: 19/3/1998. (H.R.SHELAT,J.)  
(ccs)